Remarks

Reconsideration of the subject application is requested in view of the preceding amendments and the following remarks. Claims 17, 24, 31, and 34 are amended, claim 25 is canceled without prejudice, and new claim 37 is submitted for consideration. Support for new claim 37 can be found in the specification at, for example, page 15, lines 14-16. No new matter is introduced.

Claim 34 is amended to overcome a rejection under 35 U.S.C. § 112.

Claims 17-22 stand rejected as allegedly anticipated by or obvious in view of Aravamudan et al., U.S. Patent 6,301,609 ("Aravamudan"). This rejection is traversed. Claim 17 recites a messaging method that comprises selecting a message type for a message intended for delivery to at least one selected recipient. Application presence data associated with the recipient and an application associated with the selected message type is evaluated, and the message is processed based on the evaluation. Aravamudan does not teach or suggest such a method. Aravamudan discloses a unified messaging solution that includes communicating a user's initial network use to a Communication Services Platform (CSP). A user logs on to a network, and client premises equipment (CPE) software detects network connectivity and generates a message indicating a user's online status. Col. 6, lines 64-66 and col. 7, lines 1-20. According to Aravamudan, "[a] unified message solution and services platform is provided by utilizing the unique features and capabilities of . . . instant messaging services." Col. 2, lines 25-27. Thus, a user of Aravamudan's messaging solution establishes an instant messaging connection in establishing network connectivity, and it is unnecessary to determine if a user has initiated any particular application such as an instant messaging application. In contrast, claim 17 recites obtaining application presence data for a selected application. For example, new claim 36 recites that the selected application is at least one of a chat application and an instant messaging application. Aravamudan does not teach or suggest obtaining application presence data for selected applications, and claim 17 and dependent claims 18-22 and 37 are properly allowable over Aravamudan.

Claims 24 and 25 stand rejected as allegedly obvious from a combination of Glenn, U.S. Patent App. Pub. 2002/0021307 ("Glenn") and Glasser, U.S. Patent 6,519,639 ("Glasser"). This rejection is traversed. The rejection of claim 25 is moot in view of the cancellation of claim 25 without prejudice. Claim 24 as amended recites a messaging method that comprises displaying

user presence data for a list of recipients and delivering a message of a selected message type based on the displayed user presence data. A message preparation indicator associated with at least one recipient and the selected message type is displayed, wherein the message preparation indicator is associated with message preparation of a message of the selected type. Glasser does not teach or suggest such methods. Instead, Glasser teaches detecting operation of a user input device and providing an activity notification in an instant messaging system. Col. 1, line 64 to col. 2, line 3. Glasser provides no teaching or suggestion of a message preparation indicator associated with a selected message type, and merely teaches providing notification that a keyboard or mouse or the like is in use. Col. 2, lines 3-7. Glenn also fails to teach or suggest any message preparation indicators associated with a selected type. Instead, Glenn teaches a presence engine configured to determine when a user begins and ends to use a network. Paragraph 67. Thus, claim 24 is properly allowable over any combination of Glasser and Glenn.

Claims 31 and 34 stand rejected as allegedly being anticipated by Glasser. This rejection is traversed. Claim 31 as amended recites a messaging method that includes preparing a message of a selected message type for delivery to at least one selected recipient. Application presence data associated with the selected recipient and the selected message type is evaluated, and a message preparation indicator associated with the selected message type is transmitted to the selected recipient based on the evaluation. Glasser does not teach or suggest such methods. Instead, Glasser teaches detecting operation of a user input device and providing an activity notification in an instant messaging system. Col. 1, line 64 to col. 2, line3. Glasser provides no teaching or suggestion of a message preparation indicator associated with a selected message type, and merely teaches providing notification that a keyboard or mouse or the like is in use. Col. 2, lines 3-7. Therefore, Glasser does not teach or suggest the method of claim 31, and claim 31 and dependent claims 32-36 are properly allowable over Glasser.

Claims 32-33 stand rejected as allegedly obvious from a combination of Glasser and Aravamudan. This rejection is traversed. As noted above, Glasser does not teach or suggest a message preparation indicator associated with a selected message type. Aravamudan fails to cure the deficiencies of Glasser as Aravamudan does not teach or suggest such a message preparation indicator. Therefore, claims 32-33 are properly allowable over any combination of Glasser and Aravamudan.
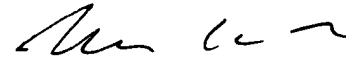
Claim 35 stands rejected as allegedly obvious from a combination of Glasser and Shah, U.S. Patent Application Publication 2001/0013069 ("Shah"). This rejection is traversed. As noted above, claim 35 depends from an allowable base claim and is properly allowable. In addition, Shah fails to teach or suggest or suggest a message preparation indicator associated with a selected message type as recited in claim 35. Therefore, claim 35 is properly allowable over Glasser and Shah taken in any combination.

In view of the preceding amendments and remarks, claims 17-22, 24, and 31-37 are in condition for allowance and action to such end is requested.

Respectfully submitted,

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